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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,436	07/25/2005	Tore Planke	RR-579 PCT/US	5774
20427	7590	03/07/2006	EXAMINER	
RODMAN RODMAN 7 SOUTH BROADWAY WHITE PLAINS, NY 10601			LEWIN, ALLANA	
			ART UNIT	PAPER NUMBER
			3764	
DATE MAILED: 03/07/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/525,436

Applicant(s)

PLANKE, TORE

Examiner

Allana Lewin

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/23/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/23/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Claim Objections

2. Claim 6 is objected to because of the following informalities: the reference numeral 13''' should presumably be deleted or changed as 13''' does not appear in the Applicant's disclosure, and furthermore the perforation or opening in the bracket is only designated as 13''' in the disclosure. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 4 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not disclose or imply the guide (7;8) as

being elastically yielding and therefore does not provide support for this recitation in claim 4.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 2 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Regarding claim 1, in line 9 of the claim it is unclear what structure 'is designed to form releasable engagement with a locking device'. As best understood by the Examiner, the Applicant has intended that the rope be designed for releasable engagement with a locking device and therefore the claim has been interpreted and examined with this understanding. However, appropriate correction and/or clarification is required.

8. Regarding claim 2, the phrase "e.g." renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

9. Regarding claim 6, the Applicant has failed to positively claim the 'direction reversal means' in claim 1 from which claim 6 depends, but merely recites that the rope 'can be' passed over a direction reversal means. Furthermore, the transitional statement 'consisting of' in claim 1 renders the claim closed, and a claim which depends from a claim which "consists of" the recited elements or steps cannot add an element or

step, *MPEP 2111.03*. Therefore, the Applicant cannot positively claim and further build upon the recitation of 'direction reversal means' in claim 6 when this structure has not been positively claimed in claim 1 from which it depends.

Furthermore, the phrase "preferably" in line 8 of the claim renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See *MPEP* § 2173.05(d).

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

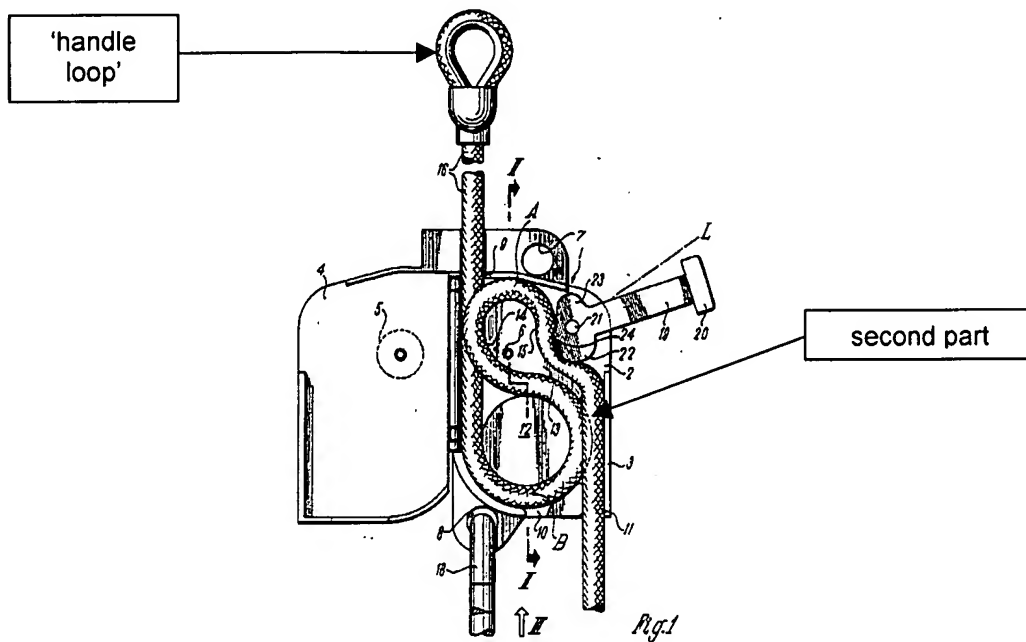
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Brda (US Pat. No. 4,580,658).

12. Brda teaches a device for lowering a person or load on a rope that can be used as a training apparatus consisting of a rope (16) that is *capable* of being passed via a suspended direction reversal means as the Applicant has only claimed that the rope 'can be passed via a suspended direction reversal means'. As depicted in the figure below, Brda discloses the rope having a first part with a 'handle loop' formed at one end as well as a second part of the rope. The rope is designed to form releasable engagement with a housing (1) having components including a base plate (2), an edge portion (3), a lid (4), screwing knurled knob (5), control lever (19) pivotally mounted (21),

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and camming surfaces (22 and 23), which together comprehend Applicant's 'locking device of key way type', with the housing or 'locking device' being attached to the first part of the rope.



Regarding claims 2 and 3, the 'locking device' has a retaining slot for the first part of the rope (9), as well as the lid (4) and screwing knurled knob (5), which comprehends Applicant's 'guide', that is in connection with the locking part and which covers at least a portion of the opening of the locking part. Furthermore, the 'guide' is arranged to limit the movement of the second part of the rope out of the 'key way' when it is manipulated as the lid (4) and knob (5) limit and constrain the movement of the rope within the housing (1) or 'locking device'.

Regarding claim 5, Brda discloses the 'key way part' of the 'locking device' having a rope insertion groove for sideways insertion of the second part of the rope (13 and note Figure 2) at an upper end of the housing (1) or 'locking device', with the 'guide'

limiting the sideways movement of the second part of the rope once positioned as the lid (4) and knob (5), which comprehend the 'guide', also constrain and limit sideways movement of the rope when positioned.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brda in view of Tardif (US Pat. No. 6,705,974).

15. Brda, discussed in detail above, fails to disclose a direction reversal means.

16. Tardif discloses an exercise or training apparatus that is suspended from a bracket in the form of a U-shaped structure (note Figure 2) with the arms of the U being hooked at their respective ends (40b), with the distance between the arms being adjustable for suspension from the upper door frame of a door (note Figure 1 and column 3, lines 39-44) and with the opening created by the distance between the arms comprehending Applicant's 'perforated portion' as this opening enables ropes or cables to be suspended from the bracket and move back and forth, therefore meeting Applicant's recitation of 'for the purpose of forming said direction reversal means'.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mosberg (US Pat. No. 5,024,433) discloses an apparatus comprising a bar with pulleys, ropes with handle loops, and a cleat lock.

Carlstrom (US Pat. No. 5,634,873) discloses an exercise device attachable to a door comprising a rope movable about a pulley, handles attached to the rope, and a cam cleat that grips and guides the rope.


Kelly (US Pat. No. 5,048,8252), Smith et al. (US Pat. No. 5,429,571), and Cone et al. (US Pat. No. 5,947,875) all teach exercise devices having U-shaped bracket members in order to suspend the device from the upper doorframe of a door.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allana Lewin whose telephone number is 571-272-5560. The examiner can normally be reached on Monday-Friday, 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AL
3/2/2006


Danton D. DeMille
Primary Examiner